

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

(Sr. No. 212)

CRM-M No. 18977 of 2020(O&M)

Date of decision : 10.02.2022

Udayveer Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Jupinder Pal Singh Brar, Advocate for the petitioner.

Ms. Ruchika Sabharwal, AAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C.
for the grant of regular bail in FIR No.122 dated 07.07.2017 registered
under Section 346 IPC (Section 302/201 IPC added later on) at Police
Station Maur, district Bathinda.

The petitioner is being prosecuted for the murder of Buta
Khan.

Learned counsel for the petitioner submits that the petitioner
has been falsely implicated in this case; the petitioner is not involved in any
other criminal case; the petitioner is in custody since 13.03.2018; all the
material prosecution witnesses have since been examined before the Trial
Court; the axe and the iron rod allegedly used by the petitioner to commit
Buta Khan's murder and which were said to have been recovered from the
petitioner were neither blood stained nor sent by the prosecution for any

forensic examination; the prosecution also did not recover any finger prints of the petitioner from the allegedly recovered weapons; the recovery of the deceased's licence, Aadhar card etc. from the petitioner has apparently been planted on the petitioner as no person in his right mind would keep such documents with him after having committed murder as they are of no use to him; there is no evidence on the record that the petitioner had murdered Buta Khan because on an earlier date Buta Khan had given him beatings; all material prosecution witnesses have since been examined and that since 27 prosecution witnesses still remain to be examined, the petitioner's trial will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner had mercilessly beaten to death Buta Khan.

The evidentiary value of the weapons allegedly recovered from the petitioner not being covered with blood stains and from whom no finger prints of the petitioner were recovered as also the issue as to whether the petitioner had a motive to murder Buta Khan would be debated during the course of the petitioner's trial. However, the petitioner is in custody for the last nearly four years; all material prosecution witnesses have since been examined and that since 27 prosecution witnesses still remain to be examined, the petitioner's trial is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Bathinda, who shall insist on heavy local sureties, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

It is further clarified that if the petitioner is found indulging in any criminal act or misusing the concession of bail granted by this Court, it would be open to the State to seek cancellation of bail granted through this order by filing an appropriate application before the competent Court/this Court.

10.02.2022
sunil yadav

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No